

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PHILIP A. PAUL,

Petitioner,

v.

WASHINGTON STATE ATTORNEY  
GENERAL, et al.,

Respondents.

CASE NO. C16-5056 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable David W. Christel, United States Magistrate Judge. Dkt. 27. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Petitioner’s 28 U.S.C. § 2254 claim (ground one) challenging the fact and duration of his confinement is **DISMISSED with prejudice**;

1 (3) Petitioner's 42 U.S.C. § 1983 claim (ground two) regarding the conditions  
2 of confinement is **DISMISSED without prejudice**;

3 (4) A certificate of appealability is **DENIED**; and

4 (5) This case is closed.

5 Dated this 13<sup>th</sup> day of February, 2017.

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8 BENJAMIN H. SETTLE  
9 United States District Judge  
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